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JAN 13 2006

TECHNOLOGY CENTER 3600

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1867 Ygnacio Valley Road
Walnut Creek CA 94598

In re Application of
Chih-Chuan Wu
Application No. 10/622,637
Filed: July 21, 2003
For: LONG STICK MOWER

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:
DECISION ON PETITION
TO WITHDRAW THE
HOLDING OF ABANDONMENT
:

This is a decision on applicant's petition to withdraw the holding of abandonment, filed in the United States Patent and Trademark Office (USPTO), on March 21, 2005.

The petition is **DISMISSED**.

A review of the file record reveals that the application became abandoned for failure to respond to the Office action mailed to applicant on June 29, 2004. A Notice of Abandonment was mailed on January 26, 2005.

Applicant's petition indicates that the Office action was never received. In support thereof applicant has provided a copy of "the docket record". The support provided is not considered to be a docket record and appears to be nothing other than a copy of a file jacket.

There is a strong presumption that Office communications properly addressed and delivered to the United States Postal Services, are in fact delivered to the addressee. An allegation that the Office communication was not received must be overcome by a showing that it was not received.

The showing required to establish non-receipt of an Office communication must include all of the following requirements:

- (1) A statement from the practitioner stating the Office communication was not received by the practitioner;
- (2) A statement attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received; and
- (3) A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

The docket records indicated above must include a copy of the list of all responses in the practitioner's office with the due date at and around September 29, 2004. See Notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 OG 53 (November 16, 1993).

The petitioner has failed to comply with requirement (3) indicated above. Applicant has only set forth that the Office action mailed July 02, 2004 was not received or placed in the file for application 10/622,637. A complete docket record with a copy of the list of all responses in the practitioner's office with the due date at and around September 29, 2004 is required.

Petitioner's evidence of non-receipt of the Office action mailed June 29, 2004 is insufficient to withdraw the holding of abandonment, and the petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181."

Correspondence with respect to a Petition to Withdraw the Holding of Abandonment under *Delgar Inc. v. Schuyler* should be mailed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

A handwritten signature in dark ink, appearing to read "RAR", followed by the word "for" in a cursive script.

Randolph A. Reese
Special Program Examiner
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(571) 272-6619

RAR/rjc 008/03/05